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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,573	11/02/2001	Charles S. Fenton	021768.1152	2730

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EXAMINER	
POLTORAK, PIOTR	
ART UNIT	**PAPER NUMBER**
2134	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/040,573	FENTON ET AL.	
	Examiner	Art Unit	
	Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-55 have been examined.
2. Claims 14-17, 24-25, 42-43 and 52-54 use a term: "operable". Applicant is reminded that the use of such a language is not a positive recitation. The examiner acknowledges that use of such a language only requires that a method have the capability to perform a particular function not that it actually performs it. Accordingly, the examiner has given nominal consideration to such limitations.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25, 33-34, 48-49 and 55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.
4. Claims 1, 13-14 and 55 recite the term "a virtual private proxy". However, the term is used only once in each of these claims and it is not clear how the term relates to the rest of the limitations, in particular the relationship between the virtual private proxy and the first and second private proxies is not understood.
5. In claims 33-34 and 48-49 "the first profile" lacks antecedent basis.
6. Claims 2-12 and 15-25 are rejected by virtue of their dependence.
7. Appropriate correction is required.

Claim Rejections - 35 USC § 102 or 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-2, 6-8, 11-14, 19-21, 24-26, 28-31, 37, 40-41, 43-46 and 52 and 54 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Epsteine et al. (U.S. Patent No. 6684329).*
9. *Epstein et al.'s* invention is directed towards application-level firewall proxies filtering traffic *(col. 1 lines 27-53, and col. 2 lines 6-8 and 64-col. 3 line 7).*
10. As per claims 1-2, 8 and 11-12 *Epstein et al.* teach a multi-part proxy 510 that comprises proxy A 512 that communicates with the inside network entities

and proxy B 514 that communicates with outside of network entities *(Fig. 5 and col. 7 line 66-col.8 line 6).*

This reads on associating a first virtual private proxy with the first entity and a second virtual private proxy with the second entity.

11. Furthermore, *Epsteine et al.* teach that data is monitored to determine any violation and disallows communication between proxies when the data violation is detected *(col. 8 line 56- col. 9 line 23).*

12. *Epsteine et al.* do not explicitly teach that the data filtering is the implementation of an agreement between a first and second entity. However, business entities are inherently engaged in information exchange either within the organization *(e.g. between departments)* or involving other organizations *(e.g. business partners)* and as a result data exchange is customized based on the nature of the relationship between entities (in other words agreement is used to validate data exchange).

Even if data exchange were not customized based on the nature of the relationship between entities it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement the agreement between a first and second entity to filter data (e.g. disallow communication of the data that violates the agreement). One of ordinary skill in the art would have been motivated to perform such a modification in order to accommodate different data exchange requirements resulting from different business relationships between business entities.

13. Claims 13-14, 21, 24-26, 28-29, 37, 40-41, 43 and 52 and 54 are substantially equivalent to claims 1-2, 8 and 11-12; therefore claims 13-14, 21, 24-26, 28-29, 37, 40-41, 43 and 52 and 54 are similarly rejected.

14. As per claims 6-7, 19-20, 30-31, 44-46 the first virtual private proxy comprises a logical representation of a logical access (and a physical access) point between the first entity and a secure switch *(Fig. 5 and col. 7 line 66-col.8 line 6).*

15. Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as obvious over *Epsteine et al. (U.S. Patent No. 6684329).*

16. As per claims 9 and 22 *Epsteine et al.* teach a transport protocol indication and an exchange protocol indication *(Fig. 4).* Also, allowing a data type comprising XML data would be implicit *(col. 8 lines 27-30).*

17. Official Notice is taken that it is old and well-known practice to allow data transfer comprising XML data. One of ordinary skill in the art at the time of applicant's invention would have been motivated to allow data comprising XML to travel from a sender to a receiver in order to increase the number of possible implementations of various computer objects *(e.g. protocols, particularly the ones utilizing XML)* employed in information exchange.

18. Claims 3-5, 15-18, 38-39 and 53 are rejected under 35 U.S.C. 103(a) unpatentable over *Epsteine et al. (U.S. Patent No. 6684329)* in light of *Epsteine et al. (U.S. Patent No. 6073242)* and in view of *Ashdown et al. (U.S. Patent No. 6308276).*

19. *Epsteine et al.* teach virtual proxies and filtering data as discussed above. Furthermore *Epsteine et al.* teach alarms and reporting that is associated with data filtering *(col. 10 lines 32-65).*

20. *Epsteine et al.* do not explicitly teach logging the violation, discarding the data that violates the agreement and alarms reported to a system administrator.

21. *Ashdown et al.* teach logging the violation, discarding the data that violates the agreement and alarms reported to a system administrator *(col. 1 lines 29-45, col. 3 lines 1-6, Fig. 7, col. 9 lines 12-42, col. 11 lines 63-67).*

22. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement logging the violation, discarding the data that violates the agreement and alarms reported to a system administrator as taught by *Ashdown et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to completely control the data flow.

23. Discarding the data violating the agreement would be implicit.

24. Claims 10, 23, 27, 32-36, 42, 47-51, are rejected under 35 U.S.C. 103(a) unpatentable over *Epsteine et al. (U.S. Patent No. 6684329)* in view of *Dan et al. (U.S. Pub. 20020178103).*

25. *Epsteine et al.* teach data exchange between entities utilizing the virtual private proxies, wherein data is filtered based on the agreement as discussed above.

Epsteine et al. do not explicitly teach that the entity comprise business, do not teach generating agreement based on two profiles and comprising a

document exchange protocol and a process specification document indication; do not teach that profiles comprise name and contact information, a transport protocol and a specification document.

26. *Dan et al.* teach business-to-business electronic commerce contracts and agreements *[1]*. The invention discloses methods for automated dynamic negotiation between at least two businesses parties *[28]*. As per claims 33 and 48 *Dan et al.* teach party profiles that contain party contact information, and a description of service and business and technical considerations, e.g. supported transport protocols *[35]*.

27. Furthermore, as per claims 27 and 47 *Dan et al.* teach generating an agreement based on entities' profiles *[38]*.

28. As per claims 10 and 23 *Dan et al.* teach that the agreement comprises a document exchange protocol indication and a process specification document indication *(information about roles and participants) [32]*.

29. The agreement taught by *Dan et al.* is created by automatically combining information from the profiles *[38]*, and identifying a delivery channel, a transport protocol, a document exchange protocol indication, a negotiation protocol, sequencing rules, and/or policy constraints *[12]*. As a result, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the agreement derived from business entities' profiles as taught by *Dan et al.* into the agreement taught by *Epsteine et al.* One of ordinary skill in the art would have been motivated to perform such a

modification in order to provide further granularity of data filtering while assuring proper data exchange between entities.

30. As per claims 34-35 and 49-50 the agreement taught by *Epsteine et al.* and *Dan et al.* does not explicitly teach that profiles comprise a messaging protocol and transport security protocol.

Official Notice is taken that it is old and well-known practice to comprise a messaging protocol and transport security protocol within profiles. One of ordinary skill in the art at the time of applicant's invention would have been motivated to include a messaging protocol and transport security protocol within profiles in order to identify messaging and transport security capabilities of entities.

31. As per claims 36 and 51 *Epsteine et al.* and *Dan et al.* teach that the profiles include contact information but do not explicitly teach that the profiles include names associated with the entities.

Official Notice is taken that it is old and well-known practice to include in a business entity profile a name associated with the entity. One of ordinary skill in the art at the time of applicant's invention would have been motivated to include a name in a business entity profile in order to more clearly identify the entity.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hardy et al. *(U.S. Patent No. 6073242)*,

Sun Microsystem, "Introduction to Portal Server Secure Remote Access ",

http://docs.sun.com/source/817-7693/1-overview.html,

Marshall et al., "ALPINE-Application Level Programmable Inter-Network Environment",

http://www.cs.kent.ac.uk/people/staff/iwm2/personal/bttjalpine.pdf

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571)272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/29/05

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